

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
DECEMBER 21, 1999 - 7:00 P.M.**

ROLLCALL Answering rollcall were Members Faust, Hovland, Kelly, and Mayor Maetzold.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Hovland and seconded by Member Faust approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

***MINUTES OF THE REGULAR MEETING OF DECEMBER 7, 1999, AND SPECIAL COUNCIL MEETING OF DECEMBER 6, 1999, APPROVED** Motion made by Member Hovland and seconded by Member Faust approving the Minutes of the Regular Meeting of December 7, 1999, and Special Meeting of December 6, 1999.

Motion carried on rollcall vote - four ayes.

PRELIMINARY REZONING AND AMENDMENT TO THE COMPREHENSIVE PLAN FOR HAUGLAND COMPANY, TRACTS A AND B, REGISTERED LAND SURVEY NO. 1378, HENNEPIN COUNTY, MINNESOTA APPROVED Planner Larsen explained the subject property is located in the southeast quadrant of Trunk Highway 169 and Londonderry Road. The property is vacant and zoned R-1, Single Dwelling District. The proponents have requested that the site be designated as Commercial and be rezoned to PCD-1, allowing development of a small retail strip center. The site currently is treated as part of the right-of-way, and carries a designation of Single Family Residential.

Staff has researched the history of the site and it appears the property has been ignored in the Comprehensive Plan. The parcel was originally part of the property to the east, which is now United Health Care. The property was developed in the mid 60's as an office/industrial facility. Part of the property was acquired by Hennepin County for the construction of Highway 169. Following construction, the unused property was re-acquired by the owners of the United Health Care site. No development proposals have ever been reviewed for the property. It appears that the site may have originally been zoned industrial along with the balance of the site. The zoning and Comprehensive Plan maps appear to treat the property as part of the interchange right-of-way.

The site contains an area of 1.75 acres. The proposed building would contain a gross floor area of 9,800 square feet. Parking for 67 cars would be provided. A commercial building of this size requires 61 parking spaces. The plan meets or exceeds the minimum building setback of 35 feet, and provides the required 20 foot setback for parking. The proposed plan requires no variances. Preliminary approval has been given for curb cuts by Engineering.

The proposal initially presented to the Planning Commission was for PCD-2, Planned Commercial District. PCD-2 is the zoning district used for most of 50th and France and

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Grandview. Following extensive discussions on two occasions, the Planning Commission recommended approval of the preliminary rezoning from R-1 Zoning to PCD-1 Zoning, and an amendment to the comprehensive plan map and subject to final rezoning and engineering approval of road width on Lincoln Drive.

Mr. Larsen explained that a revised traffic study was provided by Benshoof and Associates. The original study had included Veterans Day in the base count. The revised study was based on counts taken on December 6, and 7, 1999.

Council comments

Member Faust asked if United Health Care has paid taxes on the parcel. Mr. Larsen stated the parcel was not tax exempt.

Member Hovland asked who the right-of-way would be purchased from to clean up the northeast corner. Mr. Larsen said, 1) the right-of-way would be dedicated by the developer, and 2) traffic movement southbound on Lincoln Drive would be encouraged as opposed to going northbound and geometrics would be altered to make northbound travel more difficult. Member Hovland inquired whether that could be made a condition of approval. Mr. Larsen stated the only condition would be one that affects the property, not the traffic interchange. Member Hovland asked if Lincoln Drive must be widened, who would pay. Mr. Larsen said he assumed the developer would be responsible. Member Hovland asked if this issue needed to be made a condition of approval. Mr. Larsen said at this point staff is saying the widening is necessary and additional right-of-way needed. The proposal is in the conceptual stage and will be brought back before the Council again. Member Hovland added a resident requested that Lincoln Drive be widened before the development occurs and he believed this to be a fair request. He said since the parcel at present is zoned R-1 could it be left as is. Mr. Larsen said the City is faced with entertaining a reasonable development since it is privately owned. Member Hovland asked if it could be left alone. Mr. Larsen replied leaving the property alone would be the same as imposing a moratorium.

Member Faust asked if there is green space proposed along the highway. She stated she believes there should be green space in the front of the development rather than along the highway. She suggested adding a berm on the site.

Member Kelly said he understood with this type of zoning, drive-thrus would not be permitted. Mr. Larsen said what is suggested would be a drop-off/pick-up window such as at a cleaners. Member Kelly asked clarification on how the distinction would be made. Mr. Larsen said he believes there are two choices, 1) not allow anything that resembles a drive-thru, or 2) grant the variance and let it happen. Member Kelly asked further clarification of the Benshoof report of how much traffic is expected from Hwy. 169 to the site.

Mayor Maetzold suggested Mr. Benshoof answer the questions during his presentation. He further asked who would pay for a sidewalk on the east side which is not connected to the development. Engineer Hoffman said it may be a logical thing for United Health Care to be responsible for the sidewalk.

Member Kelly noted if the project is approved, safe pedestrian traffic from the neighborhood must be addressed.

Member Faust questioned why the proponent requested rezoning to PCD-2 and the Planning Commission recommended PCD-1. Mr. Larsen commented the Planning Commission believed PCD-1 to be the appropriate zoning for the site.

Traffic Engineer's Report

Jim Benshoof, Benshoof and Associates, answered the question about new trips generated from Hwy 169 to the proposed redevelopment. Mr. Benshoof said in his estimation, trips generated would be very minor. He noted Benshoof and Associates see this development more oriented to the neighborhood and nearby businesses. Mr. Benshoof responded to the question of pedestrian safety between the development and United Health Care; and pedestrian movement within the neighborhood. A sidewalk exists on the east side on Lincoln Drive which extends into the neighborhood to the south which will remain available for the area. The proposal is a striped and signed crosswalk across Lincoln Drive, south of the main driveway of the new development. The sidewalk to the development would be extended to the west side of Lincoln Drive. A sidewalk exists on the United Health Care property that is proposed to be extended down to the new crosswalk location.

Member Faust noted a letter was received from United Health Care about lay-offs. She inquired whether the lay-offs were taken into consideration with the report. Mr. Benshoof said he was not aware of this happening, but could reduce traffic volume in the area proportionally.

Member Kelly said he is troubled that a retail development will cause continuous diversion from Hwy 169 from traffic not normally exiting on Londonderry.

Member Hovland questioned the comparatives used for use of the site between office and medical office buildings. Mr. Benshoof answered that Mr. Haugland had furnished the information. Gene Haugland said he furnished the numbers based upon parking requirements for the site. Member Hovland asked why was the assumption made that 30% of the traffic would be by-pass trips that are presently on Lincoln Drive. Mr. Benshoof replied the 30% was based on his considerable experience and nationally published data in terms of traffic trips generated by this type of development.

Mayor Maetzold asked what would happen with motorists trying to re-enter Hwy 169 after stopping at the convenience store; having to wait at a meter. Mr. Benshoof said they may stop just once. Mayor Maetzold questioned the number of car trips at one every two minutes. Mr. Benshoof said he did not believe there would be a substantial increase in volume on Lincoln Drive.

Member Faust asked whether traffic in the area would be calmed by putting a STOP light at Vernon and Gleason; and whether the County had made a decision on funding. Mr. Hoffman

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responded the County will not fund that STOP light. This would be one part of the larger area plan that has not been resolved. Member Faust asked if state gas tax funds could be used to fund this. Mr. Hoffman said yes those funds could be used if the roadways were on the C.S.A.H. system. Member Faust asked if the amount needed would be in the area of \$120,000 to \$140,000. Mr. Hoffman said the County would pay for it.

Member Maetzold encouraged expediency with putting in the street light at Vernon and Gleason, even if it must be funded by the City. Mr. Hoffman said the County had been encouraged to move that location up on the list, but the list has not changed.

Member Faust stated she believes a STOP light at that location would be the answer to the problem.

Mr. Hughes indicated that within a month the greater Parkwood Knolls issue will be before the Council and discussing traffic in the area at that time would be appropriate.

Member Kelly asked if knowing the traffic concerns will be addressed in the near future he asked whether anything about this development was troubling. Mr. Hoffman said he looks at this proposal as a miniature Centennial Lakes and a good fit for the area. He does not believe that Highway 169 traffic will be a problem.

Mayor Maetzold explained he has clocked the distance from Jerry's to the site at three miles. He asked if the proposed crosswalk could be signalized with a blinking light. Mr. Hoffman said he was leery of having a crosswalk in that location, but United Health Care put one in and it worked fine. He suggested maybe adding a flasher to the crosswalk. Mayor Maetzold asked the approximate cost of a flasher. Mr. Hoffman said approximately \$4,000 - \$5,000.

Developer comment

Mr. Haugland, Developer, responded to questions asked by the Council. He explained the site is actually two taxable parcels of land. He responded to the question about a drive-thru operation, the proposal shows a pick-up/drop-off for a cleaners. He stated he interprets the zoning code that says specifically that "drive-ins for food establishments are disallowed as well as banks in PCD-1". It does not say that generally drive-thrus are disallowed. He has a letter from Caribou Coffee stating their interest in the area, but under the zoning code their use would not be permitted. Mr. Haugland stated that the green area has a setback of 20 feet that may require a variance if it were re-oriented on the site. He explained the street that would require widening would be the responsibility of the developer. Mr. Haugland indicated he had conversed with United Health Care about the sidewalk and the turn lane issue; and United Health Care is delighted with both issues.

Public comment

Bennett Moyle, 5736 Tucker Lane, President of the Londonderry Townhomes explained their homes are the closest residential development in the area, and he is very concerned with the proposed development. The residents of the townhomes were polled and three-fourths of them were not in favor of the development. He elaborated that: 1) there are no sidewalks on

Lincoln Drive; 2) the area has elevation and trees making installation of a sidewalk challenging; 3) walkers from the Parkwood area would be walking on the street, 4) there will be more walkers with a crosswalk in the middle of the block; 5) Townhome residents are opposed to additional traffic as well as the litter that comes from this type of business; 6) United Health Care appears as a one story office building because of the elevation downhill where it is actually a three story building; and 7) lights from a mini-mall will be very conspicuous while other area developments are behind berms.

Tom Moses, 6810 Langford Drive, said the question was asked if the State would consider the site as future right-of-way for access to Hwy 169. He stated the proposal has a lot of components and he believed if all are approved the site will fall onto Hwy 169. While traffic is a major concern, the crosswalk, in the location proposed, will require a person with a checkered flag on each side of the street because traffic speed is high. He questioned where parking will be with all the green space proposed. Previously the site has been used to dump snow, and questioned where will it be dumped now. He noted if a mini-mall is required, residents merely need to cross Bren Road and all the services are right there. He concluded that an office building makes more sense than three retail businesses and would add less traffic to the area.

Victor Lyons, 6928 Langford Drive, (Parkway Manor), commented that Parkway Manor has 144 units with the majority of the residents disagreeing with three retail businesses being proposed for this dangerous piece of property. The reorientation of Hwy 169 has created a traffic jam on the corner entering Bren Road. He voiced disagreement with proposed entrances to the site and asked consideration be given to the site being used for an office building which would add to the area.

Member Faust made a motion to close the hearing. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

Council comments

Member Kelly asked if the development is approved could conditions be placed on the approval for stronger language regarding drive-thrus. Mr. Larsen said that seemed appropriate. He cited another example of a drive-thru would be that of a pharmacy. Attorney Gilligan said what Planner Larsen is referring to is an amendment to the zoning code. If the proponent had a development plan approved, it would have to be decided whether the proponent would be grandfathered from the zoning code change.

Manager Hughes reminded the Council the issue at this time is preliminary zoning, not final zoning. If the proposal was approved it would return to the Planning Commission for final plans, then return to the Council at a later time for final approval. If an ordinance amendment was considered, it could be heard by the Planning Commission and have the change enacted by the Council at the same time final zoning is considered.

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Member Hovland asked if there is a HOV lane on northbound Highway 169. Mr. Hoffman said yes and it carries a lot of volume.

Member Faust stated she is familiar with the area and feels the developer has the right to develop their property. The City cannot afford to purchase the land. It is worth around \$200,000 to \$400,000. Member Faust said she believes the development, as proposed, will be a low traffic generator. Many residents in the area are retirees and do not leave their homes until 9:00 A.M. They are out between 3:00 - 6:00 P.M. when a coffee shop would not generate a lot of traffic. She suggested installation of a red walk-light if possible. Mr. Hoffman said he does not believe this spot would warrant a red walk-light when many other busier signals do not have one. When making her decision, Member Faust took into consideration the lay-offs at United Health Care. She would reluctantly support the proposed project going forward because of the least amount of traffic being generated by a proposed development.

Member Hovland stated he knows Mr. Haugland does very good work and he wished he could get more excited about the project. He is uncomfortable about traffic in the area. He emotionally would like to see the site left alone, yet recognizes the developer has a right to develop his property. The Council can make sure the site is used for the best use possible, or the City could buy it. In the scheme of options, the most palatable would be the retail center as proposed. He said he would support the plan as proposed to PCD-1 with the recommended conditions and amendment to the comprehensive plan. He thanked Mr. Haugland for paying for the proposed roadwork.

Member Kelly noted the Council all had the same degree of difficulty making a decision, but are all concluding the same thing. The primary concern in the area is traffic. One resident said he believed traffic would be less with an office building, Member Kelly disagreed. The area is an inappropriate place for park land, i.e. the land abuts Hwy 169, and is in the middle of an industrial area. The developer is a reputable developer and has a right to develop his property. The real concern is which generates less traffic. He believes the issues that must be addressed are the drive-thru issue and the pedestrian safety issue. With the new technology in downcast lighting, he believes lighting of the site as well as signage will not create a problem for the neighbors. Member Kelly again stated he believes the proposed use of the site will generate much less traffic than any other use for the site.

Mayor Maetzold stated his belief that this is the best use of the land. He reiterated the property owner cannot be denied the right to develop the site with little negative impact. He believes further an office building would generate more traffic. He voiced concern with the pedestrian crosswalk, as proposed, and encouraged more study of it. Mayor Maetzold said he would support the proposal conditioned upon Final Rezoning, the widening of Lincoln Drive, and dedication of the needed right-of-way at the northeast corner of Lincoln and Londonderry Drives.

Member Kelly moved approval of the proposed rezoning conditioned upon Final Rezoning, the widening of Lincoln Drive, dedication of the needed right-of-way at the northeast corner of Lincoln and Londonderry Drives and First Reading of the following:

ORDINANCE NO. 850-A16

AN ORDINANCE AMENDING THE ZONING ORDINANCE (NO. 850)

BY REZONING PROPERTY TO PCD-1

THE CITY COUNCIL OF THE CITY OF EDINA, MINNESOTA, ORDAINS:

Section 1. Subsection 850.06 of Section 850 of the Edina City Code is amended by adding the following thereto:

"The extent of the Planned Commercial District, PCD-1 is enlarged by the addition of the following property:

Tracts A and B, Registered Land Survey No. 1378, Hennepin County , Minnesota.

The extent of the Single Dwelling District (R-1) is reduced by removing the property described above from the Single Dwelling District." Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

Member Kelly introduced the following resolution and moved its adoption:

RESOLUTION

AMENDING THE COMPREHENSIVE PLAN

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that the Comprehensive Plan of the City be amended by changing the designation for the property located at Tracts A and B, Registered Land Survey No. 1378, Hennepin County, Minnesota on the 1980 City Land Use Map from single family to commercial.

Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

RESOLUTION ADOPTED APPROVING FINAL PLAT FOR JMS ADDITION TO EDINA

Planner Larsen explained the subject property is a developed single dwelling lot measuring 39,029 square foot in area and located at 5233 Richwood Drive. The proposed subdivision would split off the northerly portion of the property to create one new buildable lot. The existing dwelling would remain. At the September 21, 1999, Council meeting, preliminary plat was granted subject to three conditions, Final Plat approval, Subdivision Dedication and the granting of a drainage easement as approved by the City Engineer. Planner Larsen indicated all conditions for final approval have been satisfied with park dedication set at \$4,800.00.

No Council or audience comments were made.

Member Hovland made a motion to close the public hearing. Member Faust seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

Member Faust introduced the following resolution and moved its adoption:

**RESOLUTION GRANTING FINAL PLAT APPROVAL
FOR JMS ADDITION**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, "JMS ADDITION", platted by John K. Ridders and Mary Ellen Ridders, husband and wife, and presented at the regular meeting of the City Council be and is hereby granted final plat approval.

Passed and adopted this 21st day of December, 1999. Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold

Resolution adopted.

TRAFFIC SAFETY REPORT OF DECEMBER 7, 1999, SECTION A 1, 2, AND, SECTION B.2, 3, AND SECTION C APPROVED; SECTION B. 1 DENIAL REVERSED; ELECTING TO GRANT THE REQUEST FOR A STOP SIGN AT MAPLE ROAD AND WEST 49TH STREET Coordinator Bongaarts explained in Section B. 1, there was a request for a 3-way all-way STOP at the "T" intersection of Maple Road and West 49th Street. The requestor's letter explained his position along with a petition signed by 18 of the 38 homes in the 4800 and 4900 blocks of Maple Road. Sidewalks have recently been installed in the area. The requestor felt the sloping feature of the sidewalk on the east side of Maple Road south of, and approaching the West 49th Street intersection, is potentially hazardous for young children.

Coordinator Bongaarts indicated that Maple Road south of the West 49th Street intersection has daily average traffic of 950 vehicles. Maple Road north of the West 49th Street intersection has daily average traffic of 569 vehicles. West 49th Street has daily average traffic of 380 vehicles per day. This type of volume is not unusual in many areas of Edina. Accident history shows one property damage accident occurring in 1996 where one car hit a fire hydrant. The 85 percentile speed for Maple Road is 29 mph.

Sidewalks with sloping grades to the intersection can be found throughout the metro area and do not seem to cause any significant problems or hazards. STOP signs are not a guarantee that all vehicles will come to a stop, and if drivers feel the signs are not warranted, there is a good chance of abuse. STOP signs do not provide margins of safety for young children requiring training and supervision. Staff recommended denial of the request for STOP signs for lack of warrants.

Mike Martin, 4905 Maple Road, stated his main concern is not the sloping sidewalk. His concern is a dangerous situation at the corner of 49th Street and Maple Road. The crossing point for pedestrians on the east side of Maple Road, across 49th Street, is now focused at the location of the sidewalk producing a potential hazard for young children on foot, bicycle, rollerblades, etc. There are no STOP signs, children crossing 49th Street along Maple Road do not have adequate protection from oncoming motorists and the downward slope of the sidewalk is particularly hazardous. The sloping feature could cause a child to lose control of a bicycle propelling them into the intersection. He added that properly placed STOP signs

would insure that motorists pause and look for oncoming pedestrian traffic providing a better margin of safety when crossing the intersection. Mr. Martin asked that his request be acted upon favorably for STOP signs at the corner of 49th Street and Maple Road.

A letter was received dated December 11, 1999, from Michael J. Stolee, 4824 Maple Road, and Bruce Blackwood, 4901 Maple Road in support of STOP signs being installed at the corner of 49th Street and Maple Road.

Member Hovland asked if residents would like a STOP sign on 49th Street. Mr. Martin said yes, west on 49th Street.

Mayor Maetzold said he would approve a STOP west bound at that location.

Member Faust indicated this would be a good opportunity to teach children in a neighborhood setting to look both ways always. She added she does not believe the area warrants a STOP sign.

Member Hovland said he is familiar with the area and considers the intersection to be clumsy and makes you feel as if you should stop. He would approve installation of a STOP on West 49th Street. After installation of the STOP, he suggested the intersection be monitored both by residents and by the Traffic Safety Committee.

Member Kelly stated there is no substitute to teaching children to look both ways at an intersection. The intersection is unusual, but he is not usually in favor of putting in STOP signs to impede traffic. He noted he lives on West Shore Drive where STOP signs were installed and they do not work. He would not be in favor of a three-way stop, but would approve installation of a STOP on West 49th Street and Maple Road.

Member Faust noted it looks like a STOP sign at 49th Street will be approved. She pleaded that parents in the area to teach their children to stop at the intersection anyway.

Member Hovland made a motion overturning the decision in Section B. 1, of the Traffic Safety Committee's and electing to install a STOP sign on West 49th Street at Maple Road and upheld the Traffic Safety Committee's denial of STOP signs for Maple Road both northbound and southbound at West 49th Street. Member Kelly seconded the motion.

Ayes: Hovland, Kelly, Maetzold

Nay: Faust

Motion carried.

Member Kelly made a motion approving the Traffic Safety Staff Review of December 7, 1999, Section A as recommended.

- 1. Installation of a STOP sign for westbound Grove Street at Stuart Avenue as it is a designated school crossing for Countryside School;**
- 2. Striping of turn lanes for eastbound Dewey Hill Road at Cahill Road; and**

3. **NO PARKING RESTRICTION be extended only 15 feet on either side of the driveway at 6328 Barrie Road and the NO PARKING restrictions added in August extending further than the 15 feet from the driveway be eliminated; and**
Section B, 2, 3 and Section C. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

APPEAL OF LICENSE SUSPENSION, DONATELLE AND ASSOCIATES, ROSSINI'S RESTAURANT GRANTED; LICENSE SUSPENDED FOR THREE DAYS AND FINE SET

Chief Siitari gave background information regarding the three day license suspension of Rossini's to serve alcoholic beverages pursuant to City Ordinances 900.10 and 160.16. In April, 1999, Manager Hughes directed the Police Department to create a monitoring and enforcement policy including an administrative penalty matrix to insure compliance with state law and the City code by liquor licensees. The policy was drafted and revised after input from Manager Hughes, the City Clerk and was finalized. After Council approved the policy in April, 1999, it was mailed to the managing officer of each licensed establishment. No undercover inspections of licensed establishments involving underage persons had been conducted prior to this time.

On July 27, 1999, the Police Department conducted undercover compliance checks of establishments licensed by the City to serve or sell alcoholic beverages. An employee of Rossini's served a 17-year-old Police Explorer a glass of wine without asking for an ID. Joan Donatelle, owner and manager of Rossini's was present and advised by officers of the violation. The employee was charged by the City Prosecutor with Furnishing Alcoholic Beverage to Persons Under 21, a gross misdemeanor. Rossini's received an Administrative Citation, was fined \$500 and paid the fine.

Chief Siitari explained on November 12, 1999, the Police Department again conducted undercover compliance checks throughout the City. A 20-year-old student was served a beer at Rossini's without his ID being checked. Ms. Donatelle was again present as manager and advised by officers of the violation. Criminal charges are pending against the server and an Administrative Citation has been issued. The fine for a second violation is \$1,000 as well as a three day suspension of the license to serve alcoholic beverages. Joan and David Donatelle are appealing the fine and suspension of their license. In 1997, Rossini's had a "no licensed manager on duty" violation.

Joan Donatelle, owner of Rossini's Restaurant, explained that Rossini's is a small, family owned, 50-seat restaurant that serves wine and beer. She has posted the liquor policy for wine and beer sales, and educated her staff both before and after the first offense. She also knows it is wrong to serve alcohol to minors, and Rossini's historically has few minors that dine in their restaurant. Ms. Donatelle said the fine would be a severe financial hardship to the business and to her family, and asked that consideration be given to the severity of the fine and suspension.

Member Kelly asked what were the servers' response upon being confronted after serving an underage person. Ms. Donatelle said they were very busy, but they were surprised. Member Kelly commented once a restaurant is hit with this, anyone remotely close to the legal drinking age should be carded. He wanted more information on the hardship issue. Ms.

Donatelle said their business has been down because of nearby restaurants with full liquor license as well as the great weather recently. She added their business cannot take on any more expenses.

Member Hovland asked for more information on the restaurants daily revenues for alcohol sales. Ms. Donatelle said alcohol is approximately 20% of sales or \$80.00 per weekday or \$200.00 per weekend. Member Hovland asked what the lightest day is for alcohol sales. Ms. Donatelle said Monday through Thursday and they are closed on Sunday.

Ed Noonan, 4700 Merilane, witnessed to the character of Joan Donatelle and said he has worked with her and her children at their church. He commented that she is an asset to the community and is taking this event very seriously.

Mayor Maetzold voiced concern with setting a precedent. If the rules have not been followed with the first violation, the next license holder could make similar arguments, etc. Attorney Gilligan commented that it would set precedence. The Council has certain discretion with each case, but this would set precedence with future penalties. It is a possibility the Courts would say persons are being treated differently. Mayor Maetzold asked if a "probation" could be imposed. Attorney Gilligan said it would be within Council jurisdiction to set a penalty.

Member Kelly said it is difficult when you are looking at precedence. Servers at the restaurant would need to scrupulously card everyone. While he is sympathetic he believes something could be done with the fine, but the Council should maintain the suspension at a time when the restaurant is the least busy. There are mitigating factors that should be considered, 1) small size of restaurant, 2) small revenues generated, 3) response to the violation going forward, and 4) distinguish this from other restaurants because it does not serve hard liquor.

Member Hovland said the administrative matrix should be looked at as a sentencing guideline or a mandatory minimum sentence which gives the Council the prerogative to look at each case on its own merits. Because the penalties are administrative, they have minimal precedent setting value. He favored a suspension on Monday, Tuesday and Wednesday for Rossini's which would impact at approximately \$240.00. He suggested lowering the fine proportionately to \$250.00.

Member Kelly suggested the fine being at \$400.00 with the three day suspension.

Mayor Maetzold inquired whether the days of suspension would be staggered or consecutive. Member Kelly said the days served should be consecutive and would help restaurant staff remember the reason the suspension was imposed. Member Faust concurred. Mayor Maetzold suggested January 3, 4, 5, 2000, to be the days of suspension and the fine to be \$250.00.

Member Hovland suggested that Ms. Donatelle develop a method of asking patrons to prove their age in a nice way.

Member Kelly made a motion granting the appeal by Rossini's Restaurant and to amend the fine to \$250.00 with a suspension of the ability to serve alcoholic beverages pursuant to

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City Ordinances 900.10 and 160.16 for three consecutive days commencing on January 3, 2000, at opening and ending at closing January 5, 2000. Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

***REGULAR COUNCIL MEETING SCHEDULE CHANGED FROM TUESDAY, MARCH 7, 2000 TO MONDAY, MARCH 6, 2000 DUE TO STATE CAUCUS NIGHT** Motion made by Member Hovland and seconded by Member Faust changing the Council's first March meeting from Tuesday, March 7, 2000, to Monday, March 6, 2000, as dictated by Minnesota Statute M.S. 202A.14 stating no meeting may be held after 6:00 P.M. on the day of a major political party precinct caucus.

Motion carried by rollcall vote - four ayes.

***RESOLUTION APPROVED AUTHORIZING JOHN WALLIN, FINANCE DIRECTOR, TO SELL, ASSIGN AND ENDORSE FOR TRANSFER, CERTIFICATES REPRESENTING STOCKS, BONDS OR OTHER SECURITIES NOW REGISTERED OR HEREAFTER REGISTERED IN THE NAME OF THE CITY OF EDINA** Motion made by Member Hovland and seconded by Member Faust approving the following resolution:

RESOLUTION

BE IT RESOLVED THAT, John Wallin, Finance Director of the City of Edina is hereby authorized to sell, assign and endorse for transfer, certificates representing stocks, bonds, or other securities now registered or hereafter registered in the name of this municipal government.

Adopted this 21st day of December, 1999.

Motion carried on rollcall vote - four ayes.

DECISION ON TENTATIVE DATES FOR ANNUAL MEETING AND VOLUNTEER RECOGNITION RECEPTION CONTINUED TO JANUARY 4, 2000 Following a brief Council discussion, Member Hovland made a motion to continue the decision on tentative dates for the Annual meeting and the Volunteer Recognition Reception until the January 4, 2000, regular Council meeting. Member Faust seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

***CHANGE ORDER APPROVED FOR GREAT WESTERN CORPORATION, CONTRACT 99-1, (ENGINEERING) FOR CHEYENNE CIRCLE LIFT STATION** Motion made by Member Hovland and seconded by Member Faust approving the change order for additional excavation and grating for the Cheyenne Circle Lift Station to Great Western Corporation at \$2,881.70.

Motion carried on rollcall vote - four ayes.

WATER QUALITY VIDEO REPORT PRESENTED Engineer Hoffman presented a ten-minute video on Edina's water quality developed by the Utility Department to augment the

federal requirement to send out an annual report. Council consensus was this is an informative video and should be made available to the public schools and perhaps shown on cable.

***YEAR 2000 CONSULTANT CONTRACT I-494 CORRIDOR COMMISSION** Motion made by Member Hovland and seconded by Member Faust authorizing execution by the Mayor and Manager of a contract between the I-494 Corridor Commission and LJR, Inc., for calendar year 2000, and on file in the office of the City Clerk.

Motion carried on rollcall vote - four ayes.

2000 CITY BUDGET AND PROPERTY TAX LEVY ADOPTED Mayor Maetzold asked for public comment on the 2000 budget as proposed at \$19,268,154.00. No public comments were forthcoming.

Member Hovland made a motion closing the public hearing, Member Kelly seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

Member Hovland introduced the following resolution and moved its adoption:

**RESOLUTION ADOPTING THE BUDGET FOR
THE CITY OF EDINA FOR THE YEAR 2000, AND
ESTABLISHING TAX LEVY FOR YEAR 2000,
PAYABLE IN 2000**

THE CITY COUNCIL OF THE CITY OF EDINA MINNESOTA DOES RESOLVE AS FOLLOWS:

Section 1: The Budget for the City of Edina for the calendar year 2000 is hereby adopted as after this set forth, and funds are hereby appropriated therefore:

GENERAL FUND

GENERAL GOVERNMENT

Mayor and Council	\$	67,404	
Administration		792,883	
Planning		317,290	
Finance		478,894	
Election		145,001	
Assessing		581,104	
Legal and Court Services		359,000	
TOTAL GENERAL GOVERNMENT	\$		2,741,576

PUBLIC WORKS

Administration	\$	154,978	
Engineering		604,182	
Streets		3,661,455	
TOTAL PUBLIC WORKS	\$		4,420,625

PROTECTION OF PERSONS AND PROPERTY

Police	\$	5,189,609
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Civilian Defense	40,521	
Animal Control	67,925	
Fire	3,153,109	
Public Health	461,664	
Inspections	514,247	
TOTAL PROTECTION OF PERSONS/PROPERTY		\$ 9,427,075

PARK DEPARTMENT

Administration	\$ 560,996	
Recreation	149,399	
Maintenance	1,630,679	
TOTAL PARK DEPARTMENT		\$ 2,341,074

NON-DEPARTMENTAL EXPENDITURES

Contingencies	\$ 76,500	
Special Assessments on City Property	20,000	
Fire Debt service	84,000	
Commissioner and Special Projects	157,304	
TOTAL NON-DEPARTMENTAL EXPENDITURES		\$ 337,804
TOTAL GENERAL FUND		\$ 19,268,154

Section 2. Estimated receipts other than the General Tax Levy are proposed as hereinafter set forth:

GENERAL FUND		
HACA	\$	979,624
Other Taxes		(145,000)
Licenses and Permits		1,416,000
Municipal Court Funds		479,000
Department Service Charges		1,666,596
Other		93,000
Transfer from Liquor Fund		463,000
Income on Investments		30,400
Aid-Other Agencies		314,376
Police Aid		321,000
TOTAL ESTIMATED RECEIPTS		\$ 5,617,996

Section 3. That there is proposed to be levied upon all taxable real and personal property in the City of Edina a tax rate sufficient to produce the amounts hereinafter set forth:

GENERAL FUND \$13,650,158

Adopted this 21st day of December, 1999. Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland Kelly, Maetzold

Motion carried.

ORDINANCE NO. 1999-14 AN ORDINANCE ADOPTED AMENDING CODE SECTION 185 INCREASING CERTAIN FEES Member Hovland moved adoption of Ordinance No. 1999-14 as follows:

ORDINANCE NO. 1999-14

THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:

Section 1. The following described fees of Schedule A to Code Section 185 are amended to read as follows:

SECTION	SUBSEC.	PURPOSE OF FEE/CHARGE	AMOUNT	FEE NO.
220	220.04	Machine or amusement device license	\$15.00 annually per establishment, plus \$15.00 per machine	10 11
450	450.27 Subd 4	Public or semi-public swimming pool license	\$390.00 per annum for each pool enclosed part or all of the year \$210.00 per annum for each outdoor bath or pool	81 82
450	450.27 Subd 4	Public or semi-public whirlpool bath or therapeutic swimming pool license	\$110.00 per annum for each bath of pool	83
460	460.06 Subd 1	Sign permit	\$70.00	85
721	721.03 Subd 1	Food establishment	High risk food - \$475.00 Med risk food - \$300.00 Low risk food - \$75.00 Base fee - \$100.00 Beer or wine table svc - \$50.00 Alcohol bar service - \$100.00 Food vehicle - \$120.00 Additional facility - \$100.00 Pushcart - \$175.00 Itinerant food - \$100.00 Food vending machine - \$15.00	135 136 137 138 139 140 141 142 143 144 145
735	735.03	Lodging est Supervised group home Boarding & lodging house license	\$4.00/room \$25.00 \$75.00	153 154 155
820	820.01	Filing of application for vacation of street, alley or easement	\$310.00	170
900	900.07 Subd 1	Off-sale 3.2% malt liquor license	New per year \$329.00 Renewal per year \$260.00	207 208
900	900.07 Subd 1	On-sale 3.2% malt liquor license	New per year \$329.00 Renewal per year \$260.00	209 210

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900	900.07 Subd 1	Wine license	Per year-Restaurants with 50 or fewer seats \$854.00 51-100 seats inclusive \$928.00 101-150 seats inclusive \$1007.00 Over 150 seats \$1076.00	211 212 213 214
900	900.07	Temporary on-sale 3.2% malt liquor license	Per event \$59.00	216
900	900.07 Subd 1	Manager's license	Per person/per year \$79.00	218
1040	1040.08	Loudspeaker permit	\$16.00 per permit	225
1100	1100.03 Subd 2	Water service:	1. \$0.66 per 100 cubic feet for areas of City, except areas described below. 2. \$1.74 per 100 cubic feet for Morningside area and for east side of Beard Av. From W 54 th St. to Fuller St and both sides of Abbott Pl. from W 54 th St. to Beard Av. 3. Excessive use charge\$.21/100 cubic ft.	242 243 244
		Meter charge:	Up to ¾ inch meter - \$8.00 qtr 1 inch meter - \$10.87 qtr 1 ¼ inch meter - \$12.42 qtr 1 ½ inch meter - \$13.97 qtr 2 inch meter - \$22.50 qtr 3 inch meter - \$85.40 qtr 4 inch meter - \$108.70 qtr	245
1105	1105.01 Subd 1	Service Availability Charge (SAC)	\$1100.00 per SAC unit x number of SAC units computed as pursuant to Subsection 1105.01, Subd. 1 of this Code	250
1230	1230.07	Sidewalk café permit	\$546.00	261
1340	1340.06 Subd 1	Business license for physical culture and health service or club, reducing club or salon, sauna parlor, massage parlor or escort service	\$250.00 for business license	285
1340	1340.06 Subd 1	Massage therapist or escort service individual license	\$72.00	286
1340	1340.06 Subd 1	Individual massage license	\$26.00 Additional location	286a

Section 2. The effective date of this Ordinance shall be January 1, 2000.

City Clerk

Mayor

Member Kelly seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

CLAIMS PAID Motion made by Member Hovland approving payment of the following claims as shown in detail on the Check Register dated December 15, 1999, and consisting of 31 pages: General Fund \$ 277,061.92; Working Capital \$9,640.25; Art Center \$7,203.68; Golf Dome Fund \$3,739.65; Swimming Pool Fund \$1,312.28; Golf Course Fund \$28,672.62; Ice Arena Fund \$ 20,926.75; Edinborough/Centennial Lakes \$23,265.18; Utility Fund \$62,279.44; Storm Sewer Utility Fund \$4,095.23; Recycling Program \$35,092.44; Liquor Dispensary Fund \$257,933.81; Construction Fund \$51,653.22; Park Bond Fund \$25,825.00; TOTAL \$808,701.47. Member Kelly seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold

Motion carried.

There being no further business on the Council Agenda, Mayor Maetzold adjourned the Council Meeting at 9:50 P.M.

City Clerk